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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/595,983

05/23/2006

Byung Kul Lee

2034-02

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IPLA P.A.

3580 WILSHIRE BLVD.

17TH FLOOR

LOS ANGELES, CA 90010

EXAMINER

REIFSNYDER, DAVID A

ART UNIT

PAPER NUMBER

1797

MAIL DATE

DELIVERY MODE

10/02/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/595,983	Applicant(s) LEE, BYUNG KUL	
	Examiner David A. Reifsnnyder	Art Unit 1797	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 May 2006 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5/23/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1; the recitation of "a ceramic material tube consisting of a plurality of layer" is vague and indefinite as to what is meant by "a plurality of layer". Furthermore, it is vague and indefinite as to whether the ceramic material in the ceramic material tube is the same as the ceramic balls in the ceramic material tube. Furthermore, the first recitation of the ceramic material tube states "a ceramic material tube consisting..." and the second recitation states "a ceramic material tube comprising..." and this does not make sense. In addition, the recitations of "a first magnet tube which is made of permanent magnets whose N pole are arranged at upper or lower portion..." as well as the recitation of "a second magnet tube 39 which is made of permanent magnets whose N pole are arranged at upper or lower portion..." do not make sense. Furthermore, the recitation of the numbers "37" and "39" do not make sense. Lastly, it is vague and indefinite as to what a "bio macsumsuk ceramic ball made of rough acsumsuk" and a "antibiosis ceramic ball" is

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Regarding claim 3; the recitation of "the bio ceramic balls are made of serpentine hornblende" does not make sense since claim 1 already claimed that.

Regarding claim 7; the recitation of "the sercite ceramic balls are made of rough sercite" does not make sense since claim 1 already claimed that.

Regarding claim 8; the recitation of "the macsumsuk ceramic balls are made of rough macsumsuk" does not make sense since claim 1 already claimed that.

Regarding claim 10; the entire claim 10 does not make sense.

Regarding claim 11; the recitation of "the non-woven fabrics filter" lacks antecedent basis.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over KR 1020020022634A in view of JP 11-221572.

Regarding claims 1-11; KR 1020020022634A discloses a water purifier comprising: a pre-treatment filter (11) to remove large particles; a pre-carbon filter (12) to adsorb organic matter; ion-exchange resin (13) to remove inorganic matter; a silver coated activated carbon filter (14) to sterilize and remove organic matter; a hollow thread membrane (15) to remove various bacteria and impurities; a TCR filter (17) to remove harmful color and improve water taste; and a ceramic filter (20) composed of elvan, zeolite and cericite to convert the water to a weak alkali. KR1020020022634A fails to disclose that his ceramic filter (20) includes magnets and that his ceramic filter includes all of the ceramic materials as claimed in claim 1.

Regarding claims 1-11; JP 11-221572 discloses a water purifier comprising: a cylindrical casing (4) containing ceramic materials (7) and magnets (5).

It is considered that it would have been obvious to one having ordinary skill in the art at the time of the invention for KR020020022634A to have included magnets in his ceramic filter (20) as taught by JP 11-221572 in order to activate the water flowing through his ceramic filter (20).

Regarding the instantly claimed ceramic materials, all of the claimed ceramic materials are well known; therefore, it is considered that it would have been obvious to one having ordinary skill in the art at the time of the invention for KR020020022634A's ceramic filter to have included the claimed materials. Furthermore, it has been held to be within the general skill of a worker in the art to select a known material on the basis

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of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, **125 USPQ 416**.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David A. Reifsnyder whose telephone number is (571) 272-1145. The examiner can normally be reached on M-F 9:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Sample can be reached on (571) 272-1376. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/David A Reifsnyder/
Primary Examiner, Art Unit 1797